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SIPDIS

STATE FOR EUR/NCE BRANDON; EB/TPP/IPE JURBAN; SWILSON
STATE PLEASE PASS TO USTR ERRION
COMMERCE FOR SAVICH

E.O. 12958: N/A

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SUBJECT: BULGARIA: 2005 SPECIAL 301 NOTIFICATION
(INTELLECTUAL PROPERTY)

REF: STATE 79038

[1](#)1. ACTION REQUEST IN PARA 5.

[1](#)2. On April 29, we informed Deputy Minister Parvanov, Ministry of Economy, and Chavdar Zhenchev, MFA's America's Directorate, of the decision to place Bulgaria on the Watch List for 2005. We delivered the points in reftel verbally, and left them as a non-paper. GOB officials' expressed pleasure at not being bumped up to the Priority Watch List (PWL). We reminded them that they have a long way to go, and could very well be on the PWL next year unless serious, immediate action is taken to address intellectual property problems.

[1](#)3. Parvanov said he would begin work on an Action Plan immediately to address many of the issues in the demarche, as well as other ideas for improving the enforcement regime, moving legislation ahead, etc. Although Parvanov told us he will likely not return to the Ministry after the June elections, he said he wanted to start the process now because his replacement might not be immediately committed to this issue. Zhenchev promised the MFA will continue to pass information and press the responsible agencies, but the MFA does not have much direct authority in this area. We will deliver soon the information to other related agencies.

[1](#)4. In a subsequent meeting with Valerie Yotov, MFA's Director of the America's Division, Yotov said Bulgaria's goal is not just to avoid the PWL, but to get off the Watch List completely. He added that the Bulgarian parliament was well aware of our concerns regarding the draft IPR law now under consideration. He said parliament would also consider this month a change to the Penal Code that would criminalize possession or storage of "commercial quantities" of pirate CDs.

[1](#)5. COMMENT: Although we encouraged the GOB to begin drafting an Action Plan now, we do not hold out much hope that it will be completed soon. In addition, any plan will have to be vetted by, and receive the imprimatur of, the incoming government. We do not expect any firm commitments to an Action Plan until late summer/early fall. ACTION REQUEST: We would appreciate versions of action plans submitted by other countries which could be used as a model for Bulgaria, i.e., Slovakia. END COMMENT/ACTION REQUEST